

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

BRIAN KING, *et al.*,

No. C 09-3081 SI

Plaintiffs,

**ORDER GRANTING UNOPPOSED
MOTION TO STAY**

v.

LENSCRAFTERS, INC., *et al.*,

Defendants.

Defendant Luxottica Retail North America, Inc., has filed a motion to stay this action. The motion is scheduled for a hearing on March 5, 2010, and no party has filed an opposition to the motion. Defendant seeks to stay this case until a ruling has been issued on final approval of the settlement in *Felice Martinez v. LensCrafters, Inc.*, C 08-1699 PJH. The motion for final approval of the *Martinez* settlement is scheduled for a hearing on April 14, 2010.

Defendant asserts that this case is factually and legally related to *Martinez*, and thus that it is in the interest of fairness and efficiency to stay this case pending a determination of final approval of the *Martinez* settlement.¹ Based upon these representations, the relatively short period of the anticipated stay, and the lack of opposition by any party, the Court finds a stay is appropriate and GRANTS defendant's motion. (Docket No. 28). The March 5, 2010 hearing date, as well as the case management conference scheduled for that date, are VACATED. The Court shall hold a case management conference on **April 23, 2010 at 3:00 pm.**

IT IS SO ORDERED.

Dated: February 24, 2010



SUSAN ILLSTON
United States District Judge

¹ When this lawsuit was filed, the parties jointly sought to relate this action to *Martinez*. Judge Hamilton denied the related case motion, and subsequently stated that the basis for her decision was her view that if *Martinez* settled, the present case would not continue. Defendant's motion for stay states that the *Martinez* and *King* actions do not contain a complete identity of claims and parties.